

# COMMUNITY CONVERSATIONS

**July 13, 7-9pm**  
**Who Can Live Here,**  
**Who Decides & Why?**



# Arlington Housing Plan

The Intersection of  
Fair Housing & Affordable  
Housing in Arlington



# Planning for a community's housing needs

- Arlington has a Fair Housing Plan (to be delivered soon!)
- Arlington is currently working on the Arlington Housing Plan (2016 Housing Production Plan update)
- Arlington belongs to the North Suburban HOME Consortium and participates in the five-year and annual planning for the region's federal HOME funds
- And there are others ...

# Why so many plans about housing?



# Housing affordability

- The cost of housing affects the choices people can make about:
  - Where they will live
  - Whether they will rent or own their home
  - The kinds of housing available to them
  - The schools their children will attend
  - What they can afford to pay for food, health care, and other basic needs





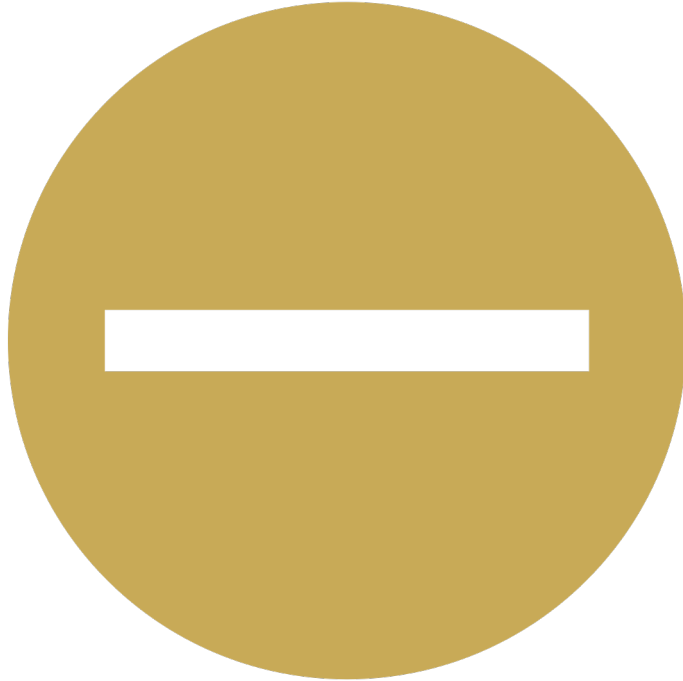
# Fair Housing Act of 1968

- Prohibits discrimination based on:
  - Race
  - Color
  - National origin
  - Religion
  - Sex
  - Familial status
  - Disability



# State Law: Massachusetts Constitution

- **Article 106 to the Massachusetts Constitution:** “Equality under the law shall not be denied or abridged because of:
  - Sex
  - Race
  - Color
  - Creed
  - National origin



## State law: categorically prohibited

- Housing discrimination is not allowed (G.L. c. 151B, §4)
- Discrimination in public accommodations is not allowed (G.L. c. 272, §§92A, 98, 98A)
- Discrimination based on disability through zoning is not allowed (G.L. c. 40A, §3)



## **Chapter 151B, Antidiscrimination Law**

- It is unlawful to discriminate based on:
  - Race
  - Religion
  - Color
  - National Origin
  - Sex
  - Gender Identity
  - Sexual Orientation
  - Age
  - Genetic Information
  - Ancestry
  - Marital Status
  - Veteran or Active Military Status
  - Disability
  - Familial Status (having children)
  - Source of Income (housing assistance)





## A housing needs analysis that looks at affordability and equity considers all of these factors:

- Housing cost burden, especially for affected classes
- Integration, segregation
- Concentrations of poverty
- Disparities in access to community assets
- Disproportionate housing needs based upon race, color, religion, sex, familial status, national origin, or handicap
- Fair housing enforcement and outreach capacity



## **Does a shortage of affordable housing choices affect some households more than others?**

- Black or African American households have the lowest median household income (MHI) in Arlington and in almost all the surrounding communities.
- The median income of homeowners in Arlington is 1.9 times higher than that of the town's renters.
- White, non-Hispanic homeowners outnumber minority homeowners 8 to 1.
- The age of renter-occupied housing in Arlington's area is generally quite old. About 68% of Arlington rental units pre-date 1980, suggesting a higher likelihood of lead paint and other housing quality problems.

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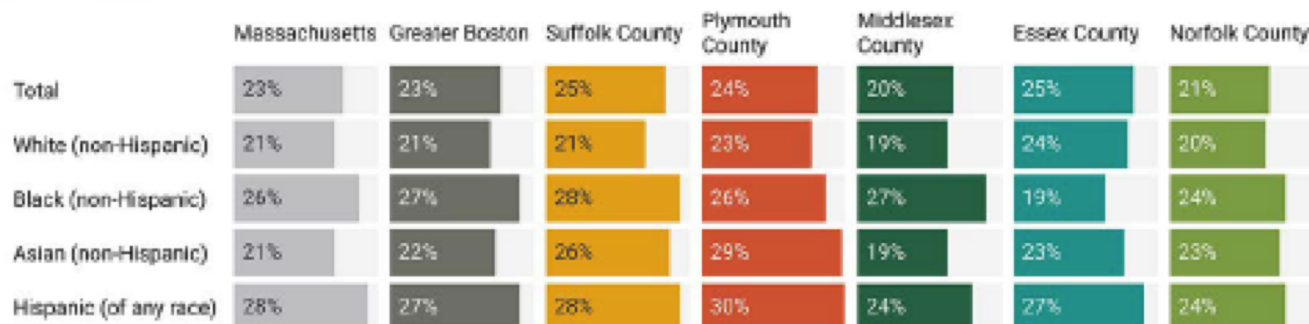
## Does a shortage of affordable housing choices affect some households more than others?

- Almost half of all Arlington housing units have 3 or more bedrooms. For renters, it's just 16%.
- Renters with household incomes below \$50,000 comprise about 26% of all renters in Arlington. About 82% of those lower-income renters pay over 30% of their monthly income on housing costs.
- Housing affordability for people with disabilities is especially challenging. The average household income of householders with disabilities is \$12,462. They can afford \$311.55 per month for rent.



## Across the region, Black and Hispanic/Latinx renters are more likely than White renters to be severely cost burdened.

Severe cost burden = spending 50% or more of income on housing costs. Figures represent within-group share of cost-burdened households.



## Severely cost-burdened owners by race/ethnicity

Severe cost burden = spending 50% or more of income on housing costs. Figures represent within-group share of cost-burdened owners.





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# Connecting this Community Conversation and the Arlington Housing Plan

01

Robert Terrell, Lecturer, Tufts Department of Urban and Environmental Policy and Planning; Roxbury Neighborhood Council, Madison Park Dec. Corp., and many other fair housing efforts

02

Whitney Demetrius, Director of Fair Housing Engagement, Citizens Housing & Planning Association

03

Diane Glauber, Director of the Fair Housing & Community Development Project



# Arlington Community Conversation

**Whitney Demetrius,  
Director of Fair Housing  
Engagement**

# What does CHAPA do?

Our mission is to encourage the production and preservation of housing that is affordable to low and moderate income families and individuals and to foster diverse and sustainable communities through planning and community development.



- **Advocate for Opportunity**
- **Expand Access to Housing**
- **Develop the Field**

# Equity-Access- and Inclusion

HOUSING CHOICE...CAN YOU AFFORD TO LIVE HERE?

Equity- ACCESS- INCLUSION in all areas of life

- Health
- Education
- Jobs
- Healthy foods
- Housing

Inequities are a result of a series of deliberate and intentional realities...

Zoning, restrictive covenants, segregation,  
Jim Crow laws, redlining, Exclusionary zoning,  
overt discrimination

Reversing the impacts must be deliberate and intentional- re-examining local preference, affirmative marketing plans, housing as reparations, moratorium, inclusionary Zoning, local fair housing committees, fair housing plans, analysis of impediments, diversifying housing stock to bring more diversity in homes, welcoming communities



# Housing Matters

FHA 1968 AS AMENDED IN 1988



# Protected Classes

## Federal Fair Housing Act:

- ▶ Race
- ▶ Color
- ▶ National Origin
- ▶ Religion
- ▶ Sex
- ▶ Handicap/Disability
- ▶ Familial Status

## Massachusetts Fair Housing Act (151B)

- ▶ Ancestry
- ▶ Age
- ▶ Marital Status
- ▶ Source of Income (public assistance or subsidy)
- ▶ Sexual Orientation
- ▶ Veteran History/Military Status
- ▶ Genetic Information
- ▶ Transgender/Gender Nonconforming (some cities)

# Affirmatively Furthering Fair Housing

Rescinding AFFH one vocal piece of the national discourse versus local level progress being made

“You know, the suburbs, people fight all of their lives to get into the suburbs and have a beautiful home. There will be no more affordable housing forced in to the suburbs,” he said. “It's been going on for years. I've seen conflict for years. It's been hell for suburbia. We rescinded the rule three days ago so enjoy your life, ladies and gentlemen, enjoy your life.”

**Memorandum on Redressing Our Nation's and  
the Federal Government's History of  
Discriminatory Housing Practices and Policies  
January 26, 2021**



Biden Administration issued an Executive Order to the new HUD Secretary acknowledging the historical patterns of segregation and discrimination and to take all steps necessary to conform current HUD policy to the requirements of the Fair Housing Act.

# Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies

January 26, 2021

“The Federal Government has a critical role to play in overcoming and redressing this history of discrimination and in protecting against other forms of discrimination by applying and enforcing Federal civil rights and fair housing laws”

- to review previous Administration efforts to undercut AFFH and Disparate Impact liability
- Examine effects of 2020 rule “HUDs implementation of the Fair Housing Acts Disparate Impact Standard
- Examine the effect of amending the 2014 Discriminatory Effects Standard
- HUD Secretary must examine effects of “Preserving Community and Neighborhood Choice” rule Aug 2020



# 2021–2022 Fair Housing CHAPA Legislative Agenda

## **PROHIBITING EXCLUSIONARY ZONING** (*HD.1990 & SD.2200*)

**Sponsors: Rep. Barber and Sen. Chang-Diaz**

Prohibits restrictive land use, zoning, and permitting decisions that perpetuate segregation. prohibits discrimination against affordable housing developments or housing that is suitable for families with children

## **AFFIRMATIVELY FURTHERING FAIR HOUSING** (*HD.3733 & SD.1990*)

**Sponsors: Reps. Dave Rogers & Santiago and Sen. Boncore**

Creates a statewide duty to affirmatively further fair housing and create inclusive communities and creates a commission to establish how communities must meet its duty to further fair housing

## **FAIR HOUSING DISPARATE IMPACT STANDARD** (*HD.3669 & SD.1765*)

**Sponsors: Rep. Dave Rogers and Sen. Boncore**

Creates a statewide disparate impact standard to protect people against housing discrimination.

# HD.1990 SD.2200 PROHIBITING EXCLUSIONARY ZONING

“An Act promoting fair housing by preventing discrimination against affordable housing”

Sponsors: Representative Christine Barber & Senator Sonia Chang-Díaz

Massachusetts has high levels of residential segregation. Restrictive local zoning and permitting decisions have helped create and perpetuate these patterns based on race, socioeconomic status, and familial status. These bills would prohibit municipal and state discriminatory zoning bylaws, ordinances, and land use decisions.



# HD.3733 SD.1990 AFFIRMATIVELY FURTHERING FAIR HOUSING

“An Act to affirmatively further fair housing”

Sponsors: Representatives Dave Rogers and Jon Santiago & Senator Joseph Boncore

This legislation creates a statewide duty to affirmatively further fair housing to make sure that the state, cities, towns, local housing authorities, and other public entities do not discriminate in their programs. It also creates a commission to establish how to meet this duty to create diverse, inclusive communities with access to good jobs, schools, health care, transportation, and housing.

# HD.3669 SD.1765 FAIR HOUSING DISPARATE IMPACT STANDARD

House: “An Act establishing a fair housing disparate impact standard”

Senate: “An Act prohibiting discriminatory effects in housing & community development”

Sponsors: Representative Dave Rogers & Senator Joseph Boncore

This legislation creates a state fair housing disparate impact standard to protect against housing discrimination. This will allow people to challenge a housing policy or program that has a discriminatory impact on them because of their race, sex, gender identity, disability, family status (have children), or other protected class — even if the policy or program appears on its face to apply to everyone equally. This will protect against policies and practices that — whether intentionally or unintentionally — keep some people from homes they can afford simply because of who they are.

# Your zip code should not determine your future...

- ▶ Social economic and demographic mobility comes by way of housing.
- ▶ Things to consider:
  - Mortgage lending
  - local zoning laws
  - Segregation
  - Redlining
  - Blockbusting
  - Predatory lending
  - Home appraisals
- ▶ Historical biases baked into the communities we love
- ▶ Patterns we see is a constructed environment
- ▶ **As a result wealth creation has been historically limited and unsustainable through restricted home ownership opportunities for people of color.**

# Larger context of racial equity and fair housing

- Pathways for transportation
- Pathways for schools
- Equity in Urban planning
- Gateway to wealth
- Access to adequate health care
- Access to healthy foods
- Environmental justice
- Access to jobs
- Economic growth and development
- Open and Welcoming communities

# What Can You Do NOW?

- **Join local housing Coalition**
- **Revitalize local Fair Housing Committees**
- **Contact Your Local Municipal Officials & Decision Makers**

Advocate to be engaged , to offer input and help organizing and getting input from members of the community. Template letter to send to municipal officials.

- **Contact Your State Legislator!**

Advocate for Fair Housing legislation

- **Join CHAPA Committees**

Budget Priorities – Building Blocks Coalition

Housing Stability & Economic Mobility – for Homelessness Prevention

Public Housing Committee

Rental Assistance Committee

Fair Housing Committee

# CHAPA Fair Housing Committee

The Fair Housing Committee meets periodically, bringing together diverse stakeholders from across the state to intentionally advance fair housing and serve as a place to share information, work on legislation, coordinate efforts, and educate ourselves.

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Municipal Engagement  
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# Arlington Fair Housing Plan

Diane Glauber

Lawyers' Committee for Civil Rights Under Law

July 13, 2021



# Notable Data and Policies

## Arlington's Demographics

- **5%** of Arlington households receive **public assistance for housing** vs. **13%** in comparison region (6)
- Arlington has proportionally few residents in many protected classes (ex. Black and Latinx) (48)
- **2010-2016:** The region around Arlington added nearly **110,000 residents** and **148,000 new jobs**, but only permitted **32,500 new housing units** (83)

## Fair Housing Complaints

- 2010- 2019: MCAD received 24 fair housing complaints in Arlington; 16 private housing, 8 public housing; **two-thirds due to disability and/or children-related complaints** (98)

## Housing in Arlington

- About **61%** is for **single-family housing**, and any type of **multifamily housing** (more than 2 units) is permitted on only **9% on the land** (8)
- About **1,129 deed-restricted affordable housing units** in Arlington vs. **5,355 low-income households** → not enough availability (11)
- Arlington's inclusionary zoning law requires that **15% of units in new residential developments (six or more units) be affordable** (58)

# Summary of Recommendations

# Increase awareness, education, and enforcement of fair housing laws

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## Partners

- Department of Planning and Community Development (DPCD)
- Human Rights Commission (HRC)
- Disability Commission
- LGBTQIA+ Rainbow Commission

## Examples

- A. Pass a resolution that codifies Arlington's commitment to fair housing
- B. Have public discussions on the impact of housing, the role of direct and indirect discrimination, and fair housing law
- C. Work with Town boards and commissions, local nonprofits, and real estate professions to provide and disseminate fair housing education

# Alter Town governance structures and processes to address fair housing concerns

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## Partners

- Diversity, Equity, and Inclusion (DEI) Director
- Human Rights Commission (HRC)
- DPCD
- Internal Services Department (ISD)

## Specific Methods

- A. Add a Housing Working Group to the Arlington Human Rights Commission that focuses on fair housing issues
- B. Change the existing complaint-driven code enforcement system to one with regular, proactive inspections
- C. Institute Equity Impact Assessments for each item on the Town Meeting warrant, particularly housing and development related items

# Reform the Zoning Bylaw to encourage development that increases fair housing choice

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## Partners

- DCPD
- Town Meetings
- Architectural Review Board (ARB)

## Specific Methods

- A. Allow duplex development by right in nominally single-family districts where two-family dwellings were historically commonplace
- B. Allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them
- C. Consider approvals by right for developments that are 100% affordable housing

# Use non-zoning techniques to encourage development that increases fair housing choice

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## Partners

- DCPD
- DEI Director
- ARB
- Disability Commission
- Conservation Commission

## Specific Methods

- A. Provide opportunities for housing developments that would trigger the Town's inclusionary zoning requirement
- B. Amend Arlington's local preference policy to be more welcoming to nonresidents
- C. Plan for and permit new housing development to address regional housing supply gap
- D. Prioritize family-sized units for new affordable housing, including purpose-built affordable housing & inclusionary units



# Use town resources to create opportunities to meet housing needs

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## Partners

- Finance Director
- DEI Director
- DPCD
- CPAC

## Specific Methods

- A. Explore expansions to Arlington's tax exemption system that could apply to all income-eligible members of protected classes
- B. Assess alternative funding resources such as housing bonds
- C. Offer grants or low-interest loans to retrofit historic housing for accessibility

# Alter Arlington Housing Authority policy to increase fair housing choice

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## Partners

- AHA
- DPCD

## Specific Methods

- A. Explore the voluntary adoption of Small Area Fair Market Rents or exception payment standards
- B. Eliminate rental application fees for voucher holders
- C. Encourage landlords to follow HUD's guidance on criminal background screenings

# Protect tenants in protected classes from displacement

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## Partners

- DPCD
- Town Meeting
- Town Manager

## Specific Methods

- A. Bolster protections of tenants by requiring property owners to give significant notice to tenants when they are preparing to redevelop or sell a property and when they are planning to raise rents
- B. Advocate for the Tenant Opportunity to Purchase Act at the state level & support tenant purchasers through funding and technical support if it passes

# Encourage access to private housing by protected classes

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## Partners

- DPCD
- DEI Director
- Disability Commission

## Specific Methods

- A. Conduct targeted outreach and provide tenant application assistance and support to persons with disabilities
- B. Maintain a database of accessible housing
- C. Partner with one or more financial and quasi-public institutions to market available financing options to protected classes